

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2009-0536; Airspace Docket No. 09-ASW-14]

#### Proposed Amendment of Class E Airspace; Many, LA

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class E airspace at Many, LA. Additional controlled airspace is necessary to accommodate new Standard Instrument Approach Procedures (SIAPs) at Hart Airport, Many, LA, as the Many radio beacon (RBN) is being decommissioned. This action would also update the geographic coordinates of Hart Airport to coincide with the FAA's National Aeronautical Charting Office. The FAA is taking this action to enhance the safety and management of Instrument Flight Rules (IFR) operations for SIAPs at Hart Airport.

**DATE:** 0901 UTC. Comments must be received on or before September 24, 2009.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12-140, Washington, DC 20590-0001. You must identify the docket number FAA-2009-0536/Airspace Docket No. 09-ASW-14, at the beginning of your comments. You may also submit comments through the Internet at <http://www.regulations.gov>. You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1-800-647-

5527), is on the ground floor of the building at the above address.

**FOR FURTHER INFORMATION CONTACT:** Scott Enander, Central Service Center, Operations Support Group, Federal Aviation Administration, Southwest Region, 2601 Meacham Blvd., Fort Worth, TX 76137; telephone: (817) 321-7716.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA-2009-0536/Airspace Docket No. 09-ASW-14." The postcard will be date/time stamped and returned to the commenter.

##### Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at <http://www.regulations.gov>. Recently published rulemaking documents can also be accessed through the FAA's Web page at [http://www.faa.gov/airports\\_airtraffic/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/).

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration (FAA), Office of Air Traffic Airspace Management, ATA-400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267-8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267-9677, to

request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

##### The Proposal

This action proposes to amend Title 14, Code of Federal Regulations (14 CFR), part 71 by adding additional Class E airspace extending upward from 700 feet above the surface for SIAPs operations at Hart Airport, Many, LA. The Many RBN is being decommissioned, and the approach, which required the Class E airspace defined by the RBN, is being canceled at the same time the new approaches go into effect. This action would also update the geographic coordinates of Hart Airport. Controlled airspace is needed for the safety and management of IFR operations at the airport.

Class E airspace areas are published in Paragraph 6005 of FAA Order 7400.9S, dated October 3, 2008, and effective October 31, 2008, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that

section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would add additional controlled airspace at Hart Airport, Many, LA.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (Air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g); 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9S, Airspace Designations and Reporting Points, dated October 3, 2008, and effective October 31, 2008, is amended as follows:

*Paragraph 6005 Class E Airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

##### ASW LA E5 Many, LA [Amended]

Many, Hart Airport, LA  
(Lat. 31°32'41" N., long. 93°29'09" W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Hart Airport.

\* \* \* \* \*

Issued in Fort Worth, TX, on July 28, 2009.

**Anthony D. Roetzel,**

*Manager, Operations Support Group, ATO Central Service Center.*

[FR Doc. E9–19032 Filed 8–7–09; 8:45 am]

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## POSTAL REGULATORY COMMISSION

### 39 CFR Part 3050

[Docket No. RM2009–10; Order No. 269]

#### Periodic Reporting Rules; Postal Regulatory Commission

**ACTION:** Proposed rulemaking; availability of rulemaking petition.

**SUMMARY:** This document announces a proposed rulemaking in response to a recent Postal Service petition involving periodic reporting rules. The petition, which is the third in a recent series, addresses seventeen potential changes. These changes cover matters such as correction of certain errors, updates based on operational changes or data system improvements, and the calculation of Periodicals bundle costs. If adopted, some of the proposed changes would affect certain cost models and revenue and volume reporting. Two other proposals affecting periodic reporting are under consideration in pending dockets.

**DATES:** Comments are due August 20, 2009.

**ADDRESSES:** Submit comments electronically via the Commission's Filing Online system.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202–789–6820 or [stephen.sharfman@prc.gov](mailto:stephen.sharfman@prc.gov).

#### SUPPLEMENTARY INFORMATION:

##### Regulatory History

74 FR 31386 (Jul. 1, 2009).

74 FR 35837 (Jul. 21, 2009).

On July 28, 2009, the Postal Service filed a petition to initiate an informal rulemaking proceeding to consider changes in the analytical methods approved for use in periodic reporting.<sup>1</sup>

The proposals described by the Petition fall into several groups. The Postal Service describes Proposals Three through Seven as “errors detected in some of the programs and spreadsheets used to prepare the ACR filing \* \* \*.” *Id.* at 1. The Petition notes that providing advance notice of such corrections is not mandatory but observes that it is potentially beneficial to the compliance review process, and for that reason the Postal Service voluntarily provides such notice. *Id.* at 1.

The Postal Service describes Proposals Eight through Ten and Eighteen as “updates based on operational changes or data system improvements.” Proposal Eight involves new distribution factors for Special Purpose Routes; Proposal Nine involves new items in Rural Evaluation Factors; and Proposal Ten involves a new Rural distribution for DPS/Sector Segment (letters). Proposal Eighteen involves a disaggregation of TRACS data to distribute Surface CP costs between

<sup>1</sup> Petition of the United States Postal Service Requesting Initiation of a Proceeding to Consider Proposed Changes in Analytic Principles (Proposals Three–Nineteen), July 28, 2009 (Petition).

Canada and the rest of the world. *Id.* at 2.

Proposal Eleven concerns the use of booked versus imputed values for certain international mail costs and revenues. The Petition notes that in preparing its FY 2008 Annual Compliance Determination (ACD), the Commission relied on booked values and adjusted the Postal Service's FY 2008 International Cost and Revenue Analysis (ICRA) to be consistent with that approach. The Petition observes that “if the [Commission's] intent is to consistently use booked values in place of imputed values, the methodology underlying the FY08 ACD needs to be improved.” *Id.* The Postal Service offers what it regards as a suitable improved method of applying booked values which applies booked values for attributable costs as well as for revenues. The Postal Service, however, asserts that providing an ICRA that relies on imputed values continues to have value. Therefore, it requests permission to file an alternative ICRA with its periodic reports that applies imputed values to the costs and revenues in question. It notes that in FY 2010, it will institute a new Foreign Payment System that will use an “accrual methodology that is more similar to the imputed methodology \* \* \*.” *See id.* at 2–3, and Proposal Eleven at 1–2, attached to the Petition. The alternative ICRAs are provided under seal. *See* Library Reference USPS–RM2009–10/NP1, FY 2008 ICRA Report for Imputed and Booked Calculations.

Proposals Twelve through Fourteen concern special studies for Periodicals, Standard Mail, and Parcels, respectively. Proposal Twelve is premised on the belief that the Commission's FY 2008 ACD estimate of the percent of Incoming Secondary Periodicals flats sorted mechanically is contrary to the logic of the Periodicals cost model accepted in Docket No. RM2009–1. *See* supporting rationale for Proposal Twelve attached to the Petition, at 1–3. Proposal Thirteen exploits the fact that with respect to Standard Mail, the FY 2008 CRA report was expanded by adding separate line items for letters, flats, and NFMs/parcels. The Postal Service proposes to use these estimates to develop separate destination entry cost avoidance estimates for Standard Mail letters, flats, and NFMs/parcels.

Proposal Fourteen takes advantage of the fact that FY 2008 mail processing and transportation cost data are separately available for single-piece Parcel Post, Parcel Select, and Parcel Return Service. This makes it possible